

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Linton, Carl Confirmation No. 8998
Serial No.: 10/659,997 Art Unit: 3714
Filed: September 11, 2003 Examiner: Cheung, Victor
For: **METHOD AND APPARATUS FOR CYCLIC VARIATIONS IN ALTITUDE
CONDITIONING**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 CFR §1.131

Sir:

I, Brent Winfield, do hereby declare as follows:

1. I am employed as an Electronic Data Analyst in the eDOC department of the law firm Wilson Sonsini Goodrich & Rosati located in San Diego, California.
2. I received an e-mail from Carl Linton on December 29, 2008, containing three Microsoft Word™ documents entitled “JHL revised draft of CVAC Patent App 7-10-03.doc,” “JHL 2nd revised draft re CVAC Patent App 7-17-03.doc,” and “JHL 3rd revised draft re CVAC Patent App 7-24-03.doc.”
3. On December 30, 2008, I extracted the metadata for these three documents utilizing a metadata extraction program entitled “Metadata Assistant,” version 2.11.196, produced and sold by Payne Consulting Group, Inc. This program is licensed for use by Wilson Sonsini Goodrich & Rosati.
4. I subsequently saved these metadata analyses as three files entitled “Metadata Analysis of JHL revised draft of CVAC Patent App 7-10-03,” “Metadata Analysis of JHL 2nd revised draft re CVAC Patent App 7-17-03,” and “Metadata Analysis of JHL 3rd revised draft re CVAC Patent App 7-24-03.”

5. I sent copies of these metadata analyses files to Carl Linton in an e-mail dated December 30, 2008.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section § 1001 of Title XVIII of the United States Code and that willful, false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

Respectfully submitted,

Dated: 12/30/08


Brent Winfield